

FILED BY *[Signature]* D.C.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

UNITED STATES OF AMERICA * *

Plaintiff, *

v. * Crim. No. 03-20400-B

LOGAN YOUNG, *

Defendant. *

*

CONSENT PRELIMINARY ORDER OF FORFEITURE

In Indictment Number 03-20400-B, the United States sought forfeiture of specific property of defendant Logan Young, pursuant to 31 U.S.C. §5317. On February 3, 2005, a jury returned a special verdict specifying the amount of forfeiture at \$96,100.00.

Accordingly, it is **ORDERED**:

1. Based upon the jury's verdict in Case Number 03-20400-B, the United States is authorized to seize the following property belonging to defendant Logan Young, and his interest in it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. §853(n) and Rule 32.2 of the Federal Rules of Criminal Procedure:

**The Sum of Ninety-Six Thousand One Hundred Dollars
(\$96,100.00) in U.S. funds.**

2. The forfeited property shall be remitted by the defendant to the United States

District Court Clerk on or before August 12, 2005. The Clerk shall pay the funds to the United States Marshal to be held in his secure custody, or, as may be necessary, the Attorney General may appoint a substitute custodian.

4. Pursuant to 21 U.S.C. § 853(n)(1), the United States Marshal shall publish at least once a week for three successive weeks in a newspaper of general circulation in Shelby County, Tennessee, notice of this order, notice of the United States' intent to dispose of the property in such manner as the Attorney General or his delegate may direct, and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought. The United States Marshal or his delegate may use the attached Legal Notice.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in property that is the subject of this Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified.

5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final for purposes of appeal as to the defendant as of the date of sentencing. The Court acknowledges that Defendant is in the process of appealing to the United States Court of Appeals

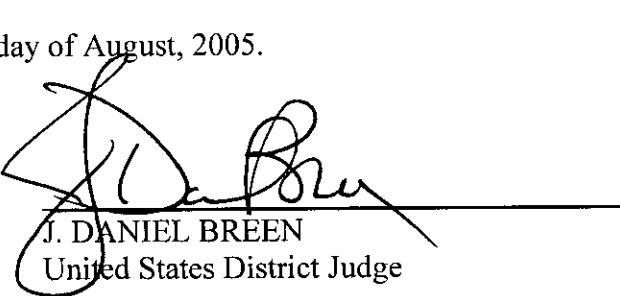
for the Sixth Circuit, the legality of the forfeiture award. By entering this consent order, Defendant is not compromising in any way his right to review of the forfeiture by the United States Court of Appeals for the Sixth Circuit, as is currently pending in *U.S.A. v. Logan Young*, Dk. #05-6008.

6. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2); subject only to reversal on appeal.

7. The United States shall have clear title to the Subject Property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2), which is incorporated by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), for the filing of third party petitions.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED this 8th day of August, 2005.

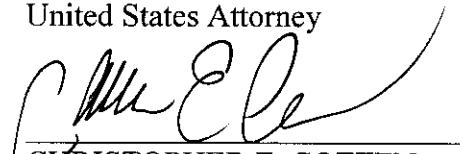


J. DANIEL BREEN
United States District Judge

APPROVED AND CONSENTED:

TERRELL L. HARRIS
United States Attorney

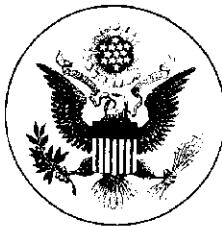
By:



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ROBERT HUTTON
Attorney for the Defendant



Notice of Distribution

This notice confirms a copy of the document docketed as number 209 in case 2:03-CR-20400 was distributed by fax, mail, or direct printing on August 9, 2005 to the parties listed.

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Honorable J. Breen
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